

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lauren Goldapper	Team: Team # 4	CCRB Case #: 201005686	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/29/2010 11:30 AM	Location of Incident: Canal Street and Mercer Street	Precinct: 01	18 Mo. SOL 10/29/2011	EO SOL 10/29/2011	
Date/Time CV Reported Thu, 04/29/2010 4:20 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 04/29/2010 4:20 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Idris Guven	07940	936720	001 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Idris Guven	Discourtesy: PO Idris Guven spoke obscenely to § 87(2)(b)				

Case Summary

On April 29, 2010, § 87(2)(b) filed his complaint in person at the CCRB (encl. 3). On April 29, 2010, at approximately 11:30 a.m., § 87(2)(b) was issued a traffic violation in the vicinity of Canal Street and Mercer Street, in Manhattan, when the following allegation resulted:

- **Allegation A – Discourtesy:** PO Idris Guven spoke obscenely to § 87(2)(b)

§ 87(2)(g)

On April 29, 2010, § 87(2)(b) said he resides out of state and would not be in New York to mediate his complaint. Therefore, § 87(2)(b)'s complaint was not referred to the ADR Unit.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) (DOB § 87(2)(b)) is a § 87(2)(b)-old Asian male, who is 5'11" tall, weighs 180 pounds. As requested, § 87(2)(b)'s interview was conducted with the assistance of a Mandarin speaking investigator from the CCRB.

CCRB Testimony

§ 87(2)(b) was interviewed by the CCRB on April 29, 2010 (encl. 4).

On April 29, 2010, at approximately 11:30 a.m., PO Idris Guven issued § 87(2)(b) a summons (#§ 87(2)(b)) in the vicinity of Canal Street and Mercer Street, in Manhattan, for driving without his seatbelt. He did not dispute the charges and said he would plead guilty and pay the fine. When § 87(2)(b) told PO Guven he didn't understand what to do with the summons PO Guven directed § 87(2)(b) to read the back of the summons. When § 87(2)(b) repeated that he didn't understand PO Guven told § 87(2)(b) that he doesn't speak Chinese and stated, "Fuck you. This is America.....Fuck you. Fuck you. Fuck you." (Allegation A) § 87(2)(b) did not say anything in response. PO Guven left the scene. There were no witnesses to the incident.

Prior to his recorded interview § 87(2)(b) spoke to the undersigned in English and asked for a Mandarin speaker to explain how he should deal with the summons. However, during his interview § 87(2)(b) specified that he did not need an explanation and acknowledged his understanding of English by clarifying information he answered when questions were asked in English.

NYPD Statements:

Subject Officer: PO IDRIS GUVEN

- PO Guven is a § 87(2)(b)-old white male, who is 5'8" tall, weighs 175 pounds, and has black hair and brown eyes.
- On April 29, 2010, PO Guven worked from 7:00 a.m. to 3:35 p.m. and was dressed in uniform. PO Guven was assigned to summons auto and was assigned to RMP #0337, an unmarked vehicle. PO Guven did not have a partner.

Summons

Summons #§ 87(2)(b) (encl. 6) reflected that on the date, time and location of incident PO Guven issued a summons to § 87(2)(b) for no seatbelt.

Memobook and CCRB Statement

PO Guven's memobook did not contain any relevant entries (encl. 5).

PO Guven was interviewed by the CCRB on September 21, 2010 (encl. 7).

On April 29, 2010, at approximately 11:30 a.m., PO Guven stopped a motorist, § 87(2)(b) in the vicinity of Canal Street and Mercer Avenue, in Manhattan, for not wearing a seatbelt while in traffic. § 87(2)(b) argued with PO Guven and said he didn't have to wear a seatbelt because traffic was moving slow. § 87(2)(b) provided his documentation and PO Guven walked away and prepared the summons. When PO Guven returned to § 87(2)(b)'s vehicle § 87(2)(b) was confused about why PO Guven was there. PO Guven explained that it was for not wearing a seatbelt and that he needed to read the instructions on the back. After PO Guven gave § 87(2)(b) the summons and walked away § 87(2)(b) stuck his head out of the window and said, "you must explain, you must explain." PO Guven returned to § 87(2)(b) and told him the directions are on the back and he could plead guilty or not guilty. PO Guven left.

Although § 87(2)(b) had an accent, § 87(2)(b) spoke and understood English. PO Guven never said he did not speak Chinese or that § 87(2)(b) was in America. PO Guven did not say "fuck you," or use any profanity when speaking with § 87(2)(b).

A few weeks prior to PO Guven's CCRB interview PO Guven testified at the Traffic Violations Bureau as § 87(2)(b) attempted to dispute the summons. § 87(2)(b) who spoke English and did not have a translator, was loud and obscene and had to be ordered by the judge to be quiet. § 87(2)(b) was found guilty.

Summons for Incident and Disposition

- As of September 22, 2010, the investigation has not received the certificate of disposition regarding summons #§ 87(2)(b) (encl. 14L).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of September 2, 2010, with regard to this incident (encl. 9).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2).

Subject Officer CCRB History

- PO Guven has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 1).

Conclusion

Identification of Subject Officer

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Discourtesy: PO Idris Guven spoke obscenely to § 87(2)(b)

§ 87(2)(b) said that PO Guven told § 87(2)(b) that he doesn't speak Chinese and stated, "Fuck you. This is America.....Fuck you. Fuck you. Fuck you." PO Guven denied making any of

those statements and denied using profanity. There were no other civilian or officer witnesses to the incident.

Although § 87(2)(b) said he would plead guilty to the summons PO Guven stated that § 87(2)(b) did attempt to dispute the charges in a court appearance. However, a record of the official disposition was not yet received by the investigation.

Although § 87(2)(b) asked that he be provided a translator and said he wanted an explanation on how to deal with the summons, during his interview § 87(2)(b) no longer needed an explanation and indicated he was not dependent on a translator to communicate.

§ 87(2)(g)

Team: 4

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Investigator:	_____	Lauren Goldapper	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

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